

Francis O. Scarpulla (41059)  
Zelle, Hofmann, Voelbel, Mason & Gette LLP  
44 Montgomery Street, Suite 3400  
San Francisco, CA 94104

*Liaison Counsel for  
Indirect-Purchaser Plaintiffs*

Joel S. Sanders (107234)  
Gibson, Dunn & Crutcher LLP  
One Montgomery Street  
Telesis Tower, Suite 3100  
San Francisco, CA 94104-4505

*Counsel for Defendant  
Micron Technology, Inc. and  
on behalf of all other Defendants*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In Re DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
LITIGATION

Case No. M-02-1486-PJH  
MDL No. 1486  
Case No. C-05-02472

This Document Relates To:  
*All Indirect-Purchaser Cases*

**STIPULATION AND ORDER  
STAYING INDIRECT-PURCHASER  
CASES PENDING 1292(b) PETITION**

WHEREAS, on March 28, 2008, this Court granted Indirect-Purchaser Plaintiffs' ("Plaintiffs") 1292(b) Motion for Certification for interlocutory appeal of its June 1, 2007 and January 29, 2008 orders dismissing, with prejudice, all antitrust damage claims under fifteen states' antitrust statutes for purchasers of computers containing DRAM modules; and

WHEREAS, pursuant to a pre-existing Case Management Order dated February 20, 2008, Plaintiffs' motion for class certification is due to be filed on June 16, 2008; and

WHEREAS, the composition of the indirect-purchaser class will be substantially changed if purchasers of computers containing DRAM are included in this action; and

WHEREAS, Plaintiffs filed a 1292(b) Petition with the United States Court of Appeals for the Ninth Circuit on April 7, 2008; and

1 WHEREAS, Plaintiffs have requested that Defendants stipulate to an interim stay of  
2 these proceedings pending the Ninth Circuit's ruling on the 1292(b) Petition; and

3 WHEREAS, Plaintiffs' counsel have agreed with Defendants that during the  
4 pendency of any interim stay in this action, they shall not (1) seek to vacate any stay in any  
5 of the pending state-court proceedings listed in Exhibit 1 attached hereto, or (2) file any new  
6 cases against these defendants currently named in the MDL proceedings raising claims on  
7 behalf of indirect purchasers of DRAM; and

8 WHEREAS, Defendants agree to such an interim stay based on Plaintiffs' agreement  
9 set forth above,

10 NOW THEREFORE:

11 IT IS HEREBY STIPULATED by and between the parties hereto, subject to approval  
12 by this Court, that an interim stay of all proceedings in the Indirect-Purchaser Actions,  
13 including the class certification motion, be ordered during the period that the Ninth Circuit is  
14 considering Plaintiffs' 1292(b) Petition, provided, however, that the previously scheduled  
15 deposition of Micron Technology, Inc.'s Michael Sadler, shall not be stayed.

16 Dated: April 17, 2008

17 So Stipulated:

18 By /s/ Francis O. Scarpulla  
19 Francis O. Scarpulla (41059)  
20 ZELLE, HOFMANN, VOELBEL, MASON & GETTE LLP  
21 44 Montgomery Street, Suite 3400  
22 San Francisco, CA 94104  
23 Telephone: (415) 693-0700  
24 Facsimile: (415) 693-0770

*Liaison Counsel for Indirect Purchaser Plaintiffs*

23 By /s/ Joel Sanders  
24 Joel S. Sanders (107234)  
25 Gibson, Dunn & Crutcher LLP  
26 One Montgomery Street  
27 Telesis Tower, Suite 3100  
28 San Francisco, CA 94104-4505

*Counsel for Defendant Micron Technology, Inc. and  
on behalf of all other Defendants*

**ORDER**

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED:

1. The Indirect-Purchaser Actions shall be stayed during the period of time the United States Court of Appeals for the Ninth Circuit is considering the Indirect-Purchaser Plaintiffs' 1292(b) Petition for permission to appeal, except for the deposition of Michael Sadler.

2. In the event the Petition is granted, the Court shall hold a Case Management Conference to determine further proceedings, if any, pending appellate review of the Court's dismissal orders.

3. In the event the Petition is denied, the parties shall meet and confer to agree upon a schedule for further motion practice, including class certification, which schedule shall be presented to the Court for approval.

Dated: April 18, 2007



**CERTIFICATE OF SERVICE**

**IN RE DYNAMIC RANDOM ACCESS MEMORY (DRAM)  
ANTITRUST LITIGATION SERVICE LIST  
Master File No. M-02-1486 PJH  
MDL No. 1486**

I, Melissa Bibbs, certify and declare under penalty of perjury that I: am a citizen of the United States; am over the age of 18 years; am employed by Zelle, Hofmann, Voelbel, Mason & Gette LLP, 44 Montgomery Street, Suite 3400, San Francisco, CA 94104, whose members are members of the State Bar of California and at least one of whose members is a member of the Bar of each Federal District Court within California; am not a party to or interested in the cause entitled upon the document to which this Certificate of Service accompanies; and that on April 17, 2008, I served a true and correct copy of the following document(s) in the manner indicated below:

**1. STIPULATION AND ORDER STAYING INDIRECT-PURCHASER  
CASES PENDING 1292(b) PETITION**

☒ **By USDC Live System-Documents Filing System:** on all interested parties registered for e-filing.

Dated: April 17, 2008

Signed /s/Melissa Bibbs  
Melissa Bibbs

## DRAM Indirect Cases

<b>Case Name</b>	<b>State</b>	<b>County Filed</b>
Dressed to Kill Custom Drapery, LLC v. Micron	Arizona	Maricopa
The Arizona Counties Insurance Pool ("ACIP") v. Micron	Arizona	Maricopa
Burton v. Micron	Arkansas	Hot Springs
Lastra v. Micron	California	San Francisco
Bramson v. Micron	California	San Francisco
Totally Computer, Inc. v. Micron	California	San Francisco
Garrett v. Micron	California	San Francisco
Gornick v. Micron	California	San Francisco
Krex Computer, Inc. v. Micron	California	Santa Clara
Silicon Defense v. Micron	California	Humboldt
Glaser v. Micron	California	Los Angeles
Pritchett v. Micron	California	San Francisco (Fed)
Soloman v. Micron	California	San Francisco (Fed)
Brown v. Micron	California	San Francisco (Fed)
Petro Computer Systems, Inc. v. Micron	California	San Francisco (Fed)
Rush v. Micron	District of Columbia	D.C. District Court (Fed)
Blanchett v. Micron	Florida	Miami-Dade
Karol v. Micron	Florida	Collier
Mikklesen v. Micron	Florida	Lee
Pryor, et al. v. Micron	Florida	Broward
Okita vs. Elpida Memory, Inc.	Hawaii	First Circuit
Vald v. Micron	Iowa	Polk
McGrath v. Micron	Kansas	Johnson
Thomas v. Elpida	Kansas	Bourbon

<b>Case Name</b>	<b>State</b>	<b>County Filed</b>
Arps v. Micron	Maine	Maine District Court (Fed)
McKinnon v. Micron	Maine	York
Corkery vs. Micron	Massachusetts	Middlesex
Martin v. Micron	Massachusetts	Middlesex
Smith v. Micron	Massachusetts	Essex
Hamilton v. Elpida	Massachusetts	Suffolk
Thompson v. Micron	Massachusetts	Essex
Johnson v. Micron	Michigan	Wayne
Fest v. Micron	Minnesota	Hennepin
Bishop v. Micron	Mississippi	Mississippi District Court (Northern District, Western Division) (Fed)
Coleman v. Elpida	Montana	Yellowstone
Grauly v. Micron	Nebraska	Lancaster
Bilansky v. Elpida	Nevada	Clark
Wheaton v. Micron	New Hampshire	Strafford
Kates v. Micron	New Jersey	Camden
Protopiannis v. Micron	New Jersey	Hudson
Schupler v. Micron	New Jersey	USDC NJ (Fed)
Black v. Micron	New Mexico	Bernalillo
Goodman v. Micron	New York	New York
Ahn v. Micron	New York	New York
Duker v. Micron	New York	Albany
Juan v. Micron	New York	Westchester
Kaplan v. Micron	North Carolina	Guilford
Maher v. Elpida	North Carolina	Orange
Kongkham v. Micron	North Carolina	Mecklenburg

<b>Case Name</b>	<b>State</b>	<b>County Filed</b>
S&L Computers, Inc. v. Micron	North Dakota	Cass
Goldman v. Micron	Ohio	USDC ND OH (Fed)
Hunt v. Micron	Pennsylvania	Philadelphia
Mass-Carrero v. Elpida Memory Inc.	Puerto Rico	USDC PR (Fed)
Berger v. Micron	South Dakota	Pennington
Pastian v. Micron	South Dakota	Minnehaha
Elias v. Micron	Tennessee	Davidson
Kinkade v. Micron	Tennessee	Davidson
Greene v. Micron	Tennessee	Davidson
Stobbe vs. Micron	Utah	USDC UT (Fed)
Microprocessor Designs Inc. v. Micron	Vermont	Chittenden
Weisburgh v. Micron	Vermont	Chittenden
Smith v. Micron	Vermont	Orange
Quade v. Micron	Virginia	Virginia District Court (Fed)
Kinder v. Micron	West Virginia	Brooke
Chambers v. Micron	Wisconsin	Monroe
Ford v. Micron	Wisconsin	Dane